

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. CV 17-0598-RGK (KS) Date: March 7, 2018

Title *Frederick Brown v. Colin Dias*

Present: The Honorable: Karen L. Stevenson, United States Magistrate Judge

Roxanne Horan-Walker
Deputy Clerk

N/A
Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE MOTION TO COMPEL

On February 5, 2018, Plaintiff, a state prisoner proceeding *pro se* and *in forma pauperis*, filed a Motion to Compel Documentation under Rules 26 and 34(b) of the Federal Rules of Civil Procedure (the “Motion”), requesting that a number of documents be produced. (Dkt. No. 68.) On January 8, 2018, the Court issued a Case Management and Scheduling Order in Civil Rights Cases that governs discovery and pretrial motions (“the Order”). (Dkt. No. 58.) With respect to discovery motions, the Order dictates, “If any party is to the action is in custody, . . . no hearing date will be set and any opposition must be filed no later than 21 days from service of the motion.” (*Id.* at 58.)

Plaintiff filed the Motion on February 5, 2018. (*See* Dkt. No. 68.). The docket indicates that the document was emailed to Defendant’s counsel on or about the same date. (*Id.*) Accordingly, because Plaintiff is currently incarcerated, Defendant’s Opposition to the Motion was due on or about February 26, 2018. However, over one week has passed since that date, and Defendant has not filed his Opposition to the Motion nor otherwise communicated with the Court about his case. Local Rule 7-12 states that a party’s failure to file a required document such as an opposition to a motion “may be deemed consent to the granting [] of the motion.” Thus, the Court could properly grant the Motion based on Defendant’s failure to oppose the Motion and to timely comply with the Court’s Case Management and Scheduling Order.

However, in the interests of justice, Defendant is **ORDERED TO SHOW CAUSE on or before March 21, 2018** why the Motion should not be granted as unopposed. Defendant’s response to this OSC must include either: (1) a complete and detailed Opposition (in a manner fully complying with the Local Rules) to the Motion; or (2) a request for an extension to file the

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Opposition to the Motion accompanied by a sworn declaration (not to exceed 3 pages) establishing good cause for Defendant's failure to timely respond to the Motion.

Defendant is again cautioned that his failure to respond to this order may lead the Court to grant Plaintiff's Motion pursuant to Local Rule 7-12.

Initials of Preparer

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rhw